

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

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|---|---|------------------------------|
| LBS INNOVATIONS, LLC, | § | |
| v. | § | Civil Action No. 2:11-cv-407 |
| BP AMERICA, <i>et al</i> , | § | LEAD CASE |
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| LBS INNOVATIONS, LLC, | § | |
| v. | § | Civil Action No. 2:11-cv-409 |
| SALLY BEAUTY SUPPLY LLC, <i>et al</i> , | § | CONSOLIDATED |
| <hr/> | | |
| MICROSOFT CORPORATION | § | |
| v. | § | Civil Action No. 2:12-cv-759 |
| LBS INNOVATIONS, LLC, | § | CONSOLIDATED |
| | § | |

**PLAINTIFF LBS INNOVATIONS, LLC AND DEFENDANT WAL-MART STORES,
INC.'S STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE**

Plaintiff LBS Innovations, LLC (“LBSI”) and Defendant Wal-Mart Stores, Inc. (“Walmart”), pursuant to Fed. R. Civ. P. 41(a)(2), hereby move for an order dismissing all claims against Walmart WITH PREJUDICE (noting that no counterclaims have been filed by Walmart against LBSI), with each Party to bear its own costs, expenses, and attorneys’ fees.

Dated: September 23, 2013

BUETHER JOE & CARPENTER, LLC

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**ATTORNEYS FOR PLAINTIFF
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Respectfully submitted,

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**ATTORNEY FOR DEFENDANT WAL-MART
STORES, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a) on this 23rd day of September, 2013. Any other counsel of record will be served by facsimile transmission.

/s/ Niky Bukovcan
Niky Bukovcan